

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE FLINT WATER CASES

No. 5:16-cv-10444-JEL-MKM
(consolidated)
Hon. Judith E. Levy

DECLARATION OF ALAINA N. DEVINE

I, Alaina N. Devine, under penalty of perjury, hereby declare as follows:

1. I am an attorney at the law firm of Campbell Conroy & O'Neill, P.C., and I represent the VNA Defendants in the above-captioned matter. I submit this Declaration in support of the VNA Defendants' Opposition To Motion For Issuance Of Letter Rogatory For International Assistance In Taking Deposition in France. I have personal knowledge of the facts stated herein.

2. Exhibit A attached hereto is a true and correct copy of an excerpt from the transcript of the deposition of Paul Whitmore, which took place in the above-captioned matter on January 9, 2020, in Indianapolis, Indiana.

Dated: April 10, 2020

/s/Alaina N. Devine
Alaina N. Devine

EXHIBIT A

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1 told you, does that sound like there is an
2 inconsistency between those statements and the
3 documents that we've read?

4 MR. McELVAINE: Objection.

5 You can answer.

6 BY THE WITNESS:

7 A. Without further documentation I can't say
8 that there is an inconsistency, were -- were the lead
9 and copper tests that he reviewed were 20 years old,
10 that would still mean that... I mean...

11 BY MR. BLAKE:

12 Q. There were some questions about France and
13 your involvement with France and how much they were
14 aware of things that were going on.

15 Do you recall those questions a few
16 moments ago?

17 A. Yes.

18 Q. I would like you to look at Exhibit 16,
19 please. Exhibit 16 is the press release for release
20 February 10th, 2015, entitled Flint Hires
21 International Urban Water Experts.

22 Do you see that?

23 A. Yes.

24 Q. And if you go to the end of that press

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1 release, there is a paragraph that says: "Veolia
2 group is the global leader in optimized resource
3 management. With over 187,000 employees worldwide,"
4 and then it -- it goes on and provides additional
5 information.

6 Do you see that?

7 A. Yes.

8 Q. That company that it's talking about there
9 is the parent company in France, correct?

10 A. I believe it's talking about every Veolia
11 company that makes up the parent company.

12 Q. Because the North American company does
13 not have 187,000 employees worldwide, right?

14 A. That's correct.

15 Q. And if you go further down in that
16 paragraph, it says: "Veolia Environnement (listed on
17 Paris Euronext: VIE) recorded consolidated revenues
18 of 32.3 billion in 2013."

19 Do you see that?

20 A. Yes.

21 Q. And that's talking, again, about the
22 parent company in France?

23 A. Yes.

24 Q. And they are cited at the end of the press

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1 release on February 10th, 2015, announcing the hiring
2 of Veolia to work in Flint?

3 A. Yes.

4 Q. Okay. I'm going to have you look at a
5 couple more documents.

6 (WHEREUPON, a certain document was
7 marked Paul Whitmore Deposition
8 Exhibit No. 30, for identification,
9 as of 01/09/2020.)

10 BY MR. BLAKE:

11 Q. Exhibit 30, Bates No. VWNAOS328371. It is
12 a two-page e-mail chain. Take a look at that
13 document.

14 The subject is "NewsClip: Emergency scene
15 at Veolia steam facility under control following
16 explosion in Philly," and it is dated June 17th, 2016.

17 Do you see that?

18 A. Yes.

19 Q. And if you look down in this, it -- the
20 e-mail includes somebody named Laurent Obadia.

21 Is that the person in Flint -- in France
22 you were talking about a few moments ago as a contact
23 person?

24 A. Yes.

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1 Q. And it also includes a person named
2 Sandrine Guendoul.

3 Do you see that?

4 A. Yes.

5 Q. She is also a person in France who you
6 interacted with?

7 A. Yes.

8 Q. And you're -- you're copied on some of
9 these e-mails as well, correct? The second one, for
10 instance, you are copied on.

11 A. On the --

12 Q. The first one you are copied on?

13 A. Yes.

14 Q. Okay. And this is talking about an
15 emergency plant explosion at a plant in Philadelphia.

16 Do you see that?

17 A. Yes.

18 Q. And the people in France are involved in
19 discussions as to what to do regarding that, is that
20 right?

21 A. Yes.

22 Q. And in the very first e-mail at the top,
23 Elinor Haider says to Karole Colangelo and you:
24 "You'll love this. We have a PR firm on

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1 retainer. Our account POC is in Chicago and has been
2 working on Flint. You can't make it up."

3 So this e-mail chain also mentions Flint,
4 correct?

5 A. It does.

6 Q. I'm going to have you look at another
7 e-mail chain.

8 (WHEREUPON, a certain document was
9 marked Paul Whitmore Deposition
10 Exhibit No. 31, for identification,
11 as of 01/09/2020.)

12 BY MR. BLAKE:

13 Q. Sorry.

14 Exhibit 31, Bates No. VWNAOS258389. Take
15 a look at that. This, in fact, looks like -- well,
16 can you tell me what this is?

17 A. I believe this is a -- a Google chat.

18 Q. Google chat, okay.

19 And you are having a conversation with
20 somebody named Matt Demo?

21 A. Yes.

22 Q. Okay. What's Mr. Demo's job?

23 A. Matt Demo is -- was Veolia's -- one of
24 Veolia's communications directors.

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1 A. Yes. It is a website where we placed all
2 of our public response information to the Attorney
3 General's filing on June 22nd, 21st, whenever that
4 was.

5 Q. Is that the website that Veolia put in
6 place to essentially give its side of the story on the
7 Flint issue?

8 A. Yes.

9 Q. And you were involved in setting that site
10 up?

11 A. I was involved in preparing some content
12 for it and making sure that Matt got updated
13 information in order to put it on the site.

14 Q. Was Matt the main person that was in
15 charge of setting that site up?

16 A. Matt was in charge of the technical aspect
17 of it. He was in Chicago, I was Indianapolis -- in
18 Indianapolis and provided him information in order to
19 put the -- to get it up onto the site.

20 Q. Okay. But do you know who provided the
21 content that was put on the site?

22 A. The content would have come from a variety
23 of sources. The content included a media statement,
24 the content included the final water quality report of

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1 Q. He is no longer there?

2 A. Correct.

3 Q. And the first message says: "Just sent a
4 media request re Flint, making sure you received" on
5 June 22nd, 2016.

6 A. Yes.

7 Q. Do you see that?

8 A. Yes.

9 Q. Okay. And then in this there is a whole
10 discussion about Flint and how to respond to a media
11 request, is that right?

12 A. Yes.

13 Q. Okay. And then if you get to the second
14 page towards the end, the third thing from the bottom,
15 you are saying on June 22nd, 2016, at 10:33: "Minor
16 changes to the statement from Paris. Can you update
17 the website, please?"

18 Do you see that?

19 A. Yes.

20 Q. So Paris is sending you some updates to
21 a -- a statement that is being released?

22 A. Yes.

23 Q. And do you know what the website is that
24 they are referencing here?

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1 March 12th. It -- it came from a variety of places.

2 Q. And Paris made changes to that from time
3 to time?

4 A. I don't know that Paris was involved in
5 the site. Paris had, on the -- the second news
6 release, I don't remember which exhibit it was, they
7 were listed on there as a contact person, so it's my
8 belief that that's the statement that we're -- we're
9 referring to in this conversation here.

10 Q. They were listed on the website as contact
11 people?

12 A. They were listed on whenever -- one of
13 these exhibits.

14 Q. Did the two names, I think Laurent and
15 Sandrine, did they participate in setting up of the
16 website?

17 A. No.

18 Q. Did they participate in reviewing any of
19 the content before it went on the website?

20 A. I don't think so.

21 Q. Do you recall for sure?

22 A. I don't -- I don't recall if they did or
23 did not have any review of it -- of that.

24 Q. And did you do anything to confirm the

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1 accuracy of any of the information on that website?

2 A. No.

3 Q. All right. I'm going to have you look at
4 Exhibit 32.

5 (WHEREUPON, a certain document was
6 marked Paul Whitmore Deposition
7 Exhibit No. 32, for identification,
8 as of 01/09/2020.)

9 BY MR. BLAKE:

10 Q. Exhibit 32 is Bates No. VVNA0S090983. It
11 is a press release. I can tell you there is some
12 handwriting on the middle which you should just
13 ignore. That's not part of the press release. The
14 press release is the printed part.

15 Do you see that document?

16 A. I do.

17 Q. And do you recall if you worked on this
18 document or not?

19 Let me just tell you, your name is at the
20 end of it on the second page.

21 A. Yes, it is.

22 I -- I was involved in -- in some of it as
23 a -- as a group editing document as many of our items
24 are.

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1 and Ariane de Lamaze.

2 Do you see that?

3 A. I do.

4 Q. I probably said all of those names wrong,
5 but that's what they look like. Okay.

6 And so France was involved in and was
7 listed as a contact information on this press release
8 as well?

9 A. Yes.

10 Q. Okay.

11 MR. BLAKE: I want to take a quick break,
12 please.

13 THE VIDEOGRAPHER: We are off the record at
14 4:31 p.m.

15 (WHEREUPON, a recess was had
16 from 4:31 to 4:33 p.m.)

17 THE VIDEOGRAPHER: We are back on the record at
18 4:33 p.m.

19 MR. BLAKE: Thank you, Mr. Whitmore. I am going
20 to retain the balance of my time for rebuttal and I'm
21 going to pass the witness along at this time.

22 MR. CAVANAGH: Sorry, but can we go off again so
23 I can move over and get set up.

24 THE VIDEOGRAPHER: We are back off the record at

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1 Q. Okay. In this contact information on this
2 lists four people -- well, actually, four different
3 numbers. The Press Relations Group Veolia, Laurent
4 Obadia and Sandrine Guendoul.

5 Do you see that?

6 A. Yes.

7 Q. And actually Stephane or Stephane Galfre
8 as well.

9 Do you know that person?

10 A. I don't.

11 Q. That's somebody from France, though?

12 A. I don't know where she is from.

13 Q. She is listed at the same telephone
14 address as the other two people. It is probably safe
15 to say she -- she or he is there?

16 A. Yeah, I would -- I would make that
17 assumption.

18 Q. Okay. And then they've got you below,
19 Press Relations North America, Veolia North America,
20 they've got your boss Karole Colangelo on there.

21 Do you see that?

22 A. Yes.

23 Q. And then there is somebody from Analyst &
24 Investor Relations over on the side, Ronald Wasylec

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1 4:33 p.m.

2 (WHEREUPON, a recess was had
3 from 4:33 to 4:36 p.m.)

4 THE VIDEOGRAPHER: We are back on the record at
5 4:36 p.m.

6 EXAMINATION

7 BY MR. CAVANAGH:

8 Q. Good afternoon, Mr. Whitmore. Again, my
9 name is Charlie Cavanagh. I am an Assistant Attorney
10 General. I represent the People of the State of
11 Michigan.

12 My questions should be brief. I'll try
13 and -- try and be as brief as I can. If you could
14 turn to Exhibit 1 that we started with today, and that
15 was the Flint key messages document and the frequently
16 asked questions.

17 Do you remember that document?

18 A. I do.

19 Q. Okay. You had testified that that was a
20 document that was created basically to inform staff
21 members of a high level of the project as well as
22 provide, if you will, canned answers for questions
23 they might get from either city officials or the
24 public.